



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

July 8, 1998

Ms. Deborah H. Loomis  
Bickerstaff, Heath, Smiley, Pollan, Kever & McDaniel, L.L.P.  
1700 Frost Bank Plaza  
816 Congress Avenue  
Austin, Texas 788701-2443

OR98-1606

Dear Ms. Loomis:

You have asked whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 116509.

The Austin Independent School District, which you represent, received a request for information about a new school site, including:

- (1) itemized list of all properties considered before the decision was made to purchase the present site for the new high school, including tract size, property owner, street address, and price per acre,
- (2) specific terms of the sale of the property proposed for the new high school, including tract size, property owner, street address, and price per acre, and
- (3) the criteria used to evaluate the properties for site suitability.

You have provided the requestor with various documents that are responsive to the request. However, you assert that some of the information requested concerns property for which negotiations are ongoing. You seek to withhold records concerning this property and the governmental body's negotiating and planning position from disclosure under section 552.105 of the Government Code.

Section 552.105 excepts from required public disclosure

- (1) the location of real or personal property for a public purpose prior to public announcement of the project; or
- (2) appraisals or purchase price of real or personal property for a public purpose prior to the formal award of contracts for the property.

You submitted to this office documents that concern the appraisal and purchase price of land for a new high school. You seek to withhold these documents until the negotiations are complete. We agree that section 552.105 is applicable until negotiations are complete and the contract has been finalized.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Ruth H. Soucy', with a stylized flourish at the end.

Ruth H. Soucy  
Assistant Attorney General  
Open Records Division

RHS/ch

Ref: ID# 116509

Enclosures: Submitted documents

cc: Ms. Mimi Hastings Shelton  
8001 Red Rock Cove  
Austin, Texas 78749  
(w/o enclosures)